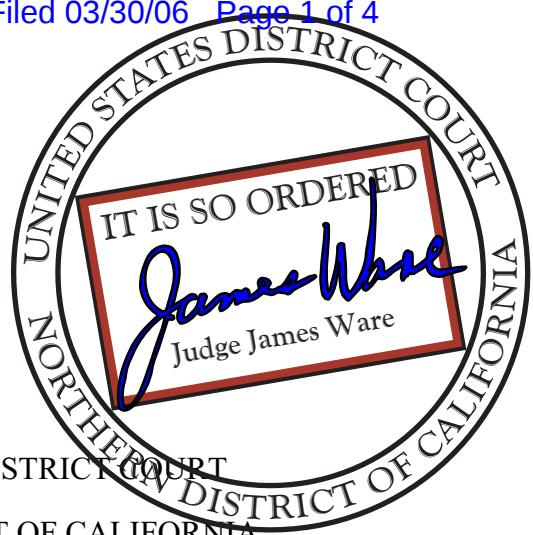


Counsel listed on next page



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID HALTERMAN,

Plaintiff,

v.

LEGATO SOFTWARE, a Division of EMC
Corporation; EMC CORPORATION, dba
EMC PERIPHERALS, INC., and DOES 1-X,

Defendants.

Case No. C 04-02660 JW

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING DUE DATE
FOR PARTIES TO SUBMIT
OBJECTIONS TO PROPOSED
WITNESSES AND EXHIBITS AND
RESPONSES THERETO**

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20 **Attorneys for Defendant**
EMC Corporation
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1 Plaintiff David Halterman, on the one hand, and defendant EMC Corporation, on the other
2 hand, through their respective counsel and pursuant to paragraph 2 of the Court's November 29,
3 2005 Order Following Preliminary Pretrial Conference ("Order"), HEREBY STIPULATE and
4 AGREE as follows:

5 1. Plaintiff and defendant exchanged lists of proposed trial witnesses and exhibits on
6 March 16, 2006.

7 2. The parties proposed over 150 exhibits, each. In addition, the parties have
8 proposed approximately 20 witnesses, combined.

9 3. Plaintiff and defendant met and conferred for over 5 hours, including on March 22,
10 and 27, 2006, in an effort to resolve disputes concerning the proposed trial witnesses and exhibits.

11 4. The parties are continuing to negotiate in good faith regarding the proposed
12 witnesses and exhibits. In addition, the parties expect to lodge numerous objections to exhibits
13 and witnesses.

14 5. The Court's November 29, 2005 Pre-Trial Order provides that the parties'
15 respective motions in limine, objections to proposed witnesses and exhibits, and responses
16 thereto, are due on March 31, 2006. The parties require additional time to complete their meet
17 and confer efforts, to adequately brief the Court regarding disputes the parties are unable to
18 resolve regarding proposed exhibits and witnesses and to adequately brief the Court regarding the
19 parties' respective motions in limine.

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1 6. Therefore, plaintiff and defendant respectfully request that the Court continue the
2 due date for the parties' respective objections to receipt into evidence of witnesses or exhibits,
3 and responses thereto, from March 31, 2006 to April 7, 2006. The due date for the parties'
4 respective motions in limine and joint pre-trial conference statement shall remain March 31,
5 2006.

6 7. The concurrence in the filing of this document has been obtained from Kathryn
7 Burkett Dickson, Attorney for Plaintiff, David Halterman.

8 SO STIPULATED:

9 Dated: March 28, 2006

10 KATHRYN BURKETT DICKSON
11 DICKSON – ROSS LLP

12 DAVID ANGLE
13 ANGLE & ANGLE LLC

14 By: _____/s/_____
15 Kathryn Burkett Dickson
16 Attorneys for Plaintiff
17 David Halterman

18 Dated: March 28, 2006

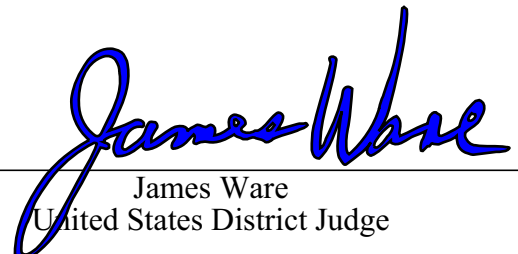
19 GARY R. SINISCALCO
20 LYNNE C. HERMLE
21 MICHAEL D. WEIL
22 ORRICK, HERRINGTON & SUTCLIFFE LLP

23 LEANNE FITZGERALD
24 EMC CORPORATION

25 By: _____/s/_____
26 Michael D. Weil
27 Attorneys for Defendant
28 EMC Corporation

29 PURSUANT TO STIPULATION, IT IS SO ORDERED.

30 Dated: March 30, 2006

31 
32 _____
33 James Ware
34 United States District Judge